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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: **H. Paul Odom**

Application No.: **09/927,870**

Art Unit: **3611**

Filed: **08/09/01**

Examiner: **DePumpo, Daniel G.**

Title: **Vehicle front suspension system**

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

**RECEIVED**

**FEB 09 2004**

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ **665.00** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of **Letter of explanation**

(identify type of reply):

☒ has been filed previously on **7/21/03**.

☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

JAN. 21, 2004  
Date

H. Paul Odom  
Signature

Telephone  
Number: 847-726-7211

H. PAUL ODOM  
Typed or printed name

9 ORCHARD LANE  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

HAWTHORN WOODS, IL 60047  
Address

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

1/21/2004  
Date

H. Paul Odom  
Signature

H. PAUL ODOM  
Type or printed name of person signing certificate

January 31, 2004

Mail Stop: Petition  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**FEB 09 2004**

**OFFICE OF PETITIONS**

Dear Assistant Commissioner,

Last July I submitted a Petition to Withdraw the Holding of Abandonment of patent application number **09/927,870**.

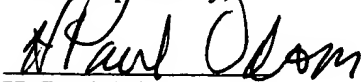
The basis for the petition was that I did not receive the Office communication that was sent to me by Examiner DePumpo on 11/04/02. As I mentioned in my previous correspondence, the application was originally filed by me, without the assistance of an Attorney. In the Petition to Withdraw the Holding of Abandonment of patent application number **09/927,870**, which was previously submitted to your office, I included detailed information about the process by which I receive correspondence directed to me via the US Post Office. My lack of knowledge of any part of my process of receiving US mail that could account for my failure to receive the above-mentioned Office communication from Examiner DePumpo, does not change the fact that I did not receive it. I'm confident I will never know if my failure to receive this correspondence was due to my oversight, or a problem with the delivery of that piece of mail. Neither process is perfect.

In response to the previously submitted Petition to Withdraw the Holding of Abandonment of patent application number **09/927,870**, I received a letter from your Office instructing me to submit information about my process for receiving US Mail, and how it might or might not be the reason I did not receive the correspondence. I received this correspondence from your office after submitting the very same information to the best of my ability with my Petition to Withdraw the Holding of Abandonment.

Since I don't think you would want me to just submit the same information again, and not knowing what else to do, I assuming that my only option is to pay the \$665.00 fee for withdrawing the holding of abandonment. Since I have finally been able to set aside this sum of money, a check for the full amount is included herewith. Also included is a self-addressed and postage paid return envelope, which I provided with the hope that you may decide the fee is not necessary.

In either case, I would be extremely grateful if you would accept my sincere apologies for the past correspondence problems, and proceed with the issuance of a patent based on patent application **09/927,870**.

Most respectfully,



H. Paul Odom

# **Petition to Withdraw the Holding of Abandonment**

July 7, 2003

Assistant Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Assistant Commissioner,

Please consider this correspondence as a formal Petition to Withdraw the Holding of Abandonment of patent application number **09/927,870**.

The basis for this petition is as follows. I did not receive the Office communication that was sent to me by Examiner [redacted] on 11/04/02. The application was originally filed by me with the assistance of an Attorney. For that reason, I cannot include information in this petition that comes from other persons in an organization that might have handled the correspondence. Typically, my wife brings in the mail from a mailbox by the street in front of our house. She then sorts the mail, and puts any correspondence addressed to me in a prominent and obvious location on my desk. She is normally very accurate and I have no reason to suspect that she may have overlooked the Offices' correspondence. Nor can I believe that I saw the correspondence and somehow mistook it for something else, or recognized it but forgot about it.

I did receive the Filing Receipt correspondence dated 11/13/2000 for the application, first filed as a Provisional Patent Application (60/224,883). Subsequently, I received the Filing Receipt correspondence for the Non-provisional Application (09/927,870), dated 09/18/2001.

My wife and I have been living at our present address since we purchased the house in 1996, and we were in fact residing here during the month of November, 2002, when the Examiner's correspondence was mailed.

Although my five digit zip code (60047) is shared by two other communities (Lake Zurich and Long Grove, IL), I do not have any likely explanation why the Office correspondence would not have reached me. Nevertheless, I do believe that to be the case here. I am aware of other incidents where I did not receive mailed correspondence, but as far as I know, they are very rare.

I fervently hope you will accept the above statements as facts, for indeed they are, and grant this petition to Withdraw the Holding of Abandonment of Patent Application 09/927,870.

Respectfully,  
H. Paul Odom